

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN THE MATTER OF:	:	CASE NUMBER: A91-76324-PWB
	:	
ROGER LEE FITZSIMONDS and	:	
DORIS ELLEN FITZSIMONDS,	:	
	:	IN PROCEEDINGS UNDER
	:	CHAPTER 7 OF THE
Debtors.	:	BANKRUPTCY CODE
<hr style="width:50%; margin-left:0"/>		
JOHN DEERE COMPANY,	:	
	:	ADVERSARY PROCEEDING
Plaintiff	:	NO. 91-6888
	:	
v.	:	
	:	
ROGER LEE FITZSIMONDS,	:	JUDGE BONAPFEL
	:	
Defendant.	:	

ORDER REOPENING ADVERSARY PROCEEDING

Before the Court is the motion of John Deere Company to reopen Debtor's bankruptcy case for the purpose of seeking to revive a dormant judgment. Because the judgment was entered in the adversary proceeding, not the bankruptcy case, it is unnecessary to reopen the main bankruptcy case. Accordingly, it is

ORDERED that adversary proceeding 91-6888 is reopened and that the main bankruptcy case shall remain closed.

The Clerk is directed to docket copies of this Order in the main bankruptcy case and the adversary proceeding.

At Atlanta, Georgia, this ____ day of May, 2005.

PAUL W. BONAPFEL
UNITED STATES BANKRUPTCY JUDGE

DISTRIBUTION LIST

Ted W. Hight III
Thompson, O'Brien, Kemp & Nasuti, P.C.
40 Technology Parkway South, Suite 300
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William E. Otwell
5046 Austell Road
Austell, GA 30001-2804

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	:	ADVERSARY PROCEEDING
Plaintiff	:	NO. 91-6888
	:	
v.	:	
	:	
ROGER LEE FITZSIMONDS,	:	JUDGE BONAPFEL
	:	
Defendant.	:	

SCIRE FACIAS TO REVIVE DORMANT JUDGMENT

To all and singular the Sheriffs of the State of Georgia:

The defendant, Roger Lee Fitzsimonds, is hereby required, personally or by attorney, to appear in the United States Bankruptcy Court on **April 12, 2005**, at **10:00 a.m.** in Courtroom 1401, United States Courthouse, 75 Spring Street, S.W., Atlanta, Georgia 30303, and show cause why a certain judgment, rendered in favor of John Deere Company and against Roger Lee Fitzsimonds on October 14, 1992, in the amount of \$3,120, representing \$2,000 principal, \$1,000 attorneys' fees and \$120 costs, and recorded on the general execution docket of Fulton County, Georgia, on March 14, 1995, and recorded on the general execution docket of Douglas County, Georgia on May 30, 1995, should not be revived as provided in O.C.G.A. § 9-12-61. Failure to appear in opposition to the request to revive the dormant judgment shall result in the granting of the relief requested.

Plaintiff is directed to arrange for the service of this Scire Facias by the Sheriff of the county or counties where Defendant resides in the manner set forth by O.C.G.A. § 9-12-63. Plaintiff shall file a return of service as provided by law.

So Ordered, this ____ day of March, 2005.

PAUL W. BONAPFEL
UNITED STATES BANKRUPTCY JUDGE

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